

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

In Re:

KENNETH DALTON STEVENS,

Debtor.

■
■ Chapter 13
■ Bankruptcy No. 15-40394-JTL
■
■
■

**RESPONSE OF THE UNITED STATES OF AMERICA
TO TRUSTEE'S OBJECTION TO CLAIM OF AAFES**

COMES NOW the United States of America, on behalf of its agency, the Army and Air Force Exchange Services (hereinafter referred to as "AAFES"), by and through the undersigned Acting United States Attorney for the Middle District of Georgia, and responds to Trustee's Objection to Claim. In support thereof, AAFES alleges:

1.

In her objection the Chapter 13 Trustee objects to AAFES' claim alleging that the Chapter 13 plan "does not contain a provision for treating this debt as secured. Therefore, this claim cannot be treated as secured for purposes of distribution."

2.

The United States of America shows that, AAFES engaged the services of a private company, Bass and Associates, whereupon their proof of claim was filed in this case. AAFES' claim was filed on or about July 2, 2015, in the amount of \$3,446.32, of which \$558.00 is secured, and the remaining \$2,888.32, is unsecured. AAFES contends that its claim is secured and should be treated as secured in this bankruptcy case.

3.

AAFES submits that, while this Debtor's plan, and modified plan, having been confirmed in this case November 9, 2015, AAFES observes that said plan was confirmed without AAFES having the benefit of notice by which to object to same. According to PACER, Debtor's bankruptcy petition, plan and modified plan were filed without proper service to the Government – AAFES, the United States Attorney's Office, and the Attorney General of the United States, as required by the Bankruptcy Code. Consequently, the Government was unable to file a proper objection to the Debtor's plan or modified plan prior to confirmation of same.

4.

Further, AAFES further intends to file proper pleading, including but not limited to Motion for Reconsideration of Order Confirming Plan, due to improper service, seeking allowance and treatment of its claim.

5.

AAFES further submits that, to date, Debtor filed no Objection to its Claim.

6.

Therefore, AAFES respectfully requests that its claim be treated as filed, with treatment of its secured claim, and that the Trustee include payment of AAFES' secured claim, for purposes of distribution.

WHEREFORE, for the reasons stated above, the United States respectfully requests that this Court grant such relief deemed appropriate should the parties otherwise not resolve this dispute.

Respectfully submitted, this 7th day of March, 2016.

G.F. PETERMAN, III
ACTING UNITED STATES ATTORNEY

By: /s/ Barbara G. Parker

Barbara G. Parker
Assistant United States Attorney
Georgia Bar No. 561750

ADDRESS:

P.O. Box 1702
Macon, Georgia 31202-1702

[478] 752-3511

CERTIFICATE OF SERVICE

This is to certify that, this date, I have electronically filed the within and foregoing **RESPONSE OF THE UNITED STATES OF AMERICA TO TRUSTEE'S OBJECTION TO CLAIM OF AAFES** filed by and on behalf of the Army and Air Force Exchange Services, with the Clerk of the Court using the CM/ECF system. I also certify that the following parties have been served on this date either by electronic means of the Court or via United States Mail with proper postage affixed thereto.

Kristin Hurst
Chapter 13 Trustee
P.O. Box 1907
Columbus, Georgia 31902-1907

Greg Alan Clark
Attorney for Debtor
P.O. Box 605
Albany, Georgia 31702

Kenneth Dalton Stevens
Debtor
4222 Will Rhoades Drive
Columbus, Georgia 31909-3967

This 7th day of March, 2016.

G.F. PETERMAN, III
ACTING UNITED STATES ATTORNEY

/s/ Barbara G. Parker

By:

Barbara G. Parker
Assistant United States Attorney
Georgia Bar No.: 561750

ADDRESS:
P.O. Box 1702
Macon, Georgia 31202-1702
(478) 752-3511